IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED
APR 28 2014
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY ______ DEPUTY

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| TIMIE DEWAYNE WILLIAMS, Petitioner, | ) | |
| vs. | ) | No. CIV-13-558-W |
| ROBERT PATTON, Director, Oklahoma Department of Corrections,[1] Respondent. | ) | |

## ORDER

Petitioner Timie DeWayne Williams, a state prisoner appearing by counsel, has filed a Notice of Appeal [Doc. 15], which the Court has construed as a request for a certificate of appealability ("COA") so that Williams may appeal this Court's denial on March 27, 2014, of his Petition for a Writ of Habeas Corpus ("Petition") and the Judgment issued that same date [Doc. 14]. See 28 U.S.C. § 2253(c)(1)(A).

Williams is entitled to a COA only if he "has made a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). Because the Court rejected Williams' claim on its merits, see Doc. 13, to do so, Williams "must demonstrate that reasonable jurists would find th[is] . . . [C]ourt's assessment of the constitutional claim[ ] debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Upon review of the record, the Court finds that Williams will not be able to make the requisite showing because he will be unable to demonstrate "that reasonable jurists could debate whether (or for that matter, agree that) the [P]etition should have been resolved in a different manner or that the issues presented were "'adequate to deserve encouragement to proceed further.'"" Id. (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)). Accordingly, the Court DECLINES to issue a COA in this matter.

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[1]Williams is incarcerated at Lawton Correctional Center ("LCC"), a private prison. Because the Oklahoma Department of Corrections ("ODOC") bears responsibility for the custody and supervision of inmates housed in private prisons, Robert Patton, ODOC Director, is SUBSTITUTED for Hector A. Rios, Jr., LCC Warden, as respondent in this action.

ENTERED this 28th day of April, 2014.

LEE R. WEST
UNITED STATES DISTRICT JUDGE